

Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- B. The Conditions of Approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
- C. The Use Permit shall expire if the use is discontinued for a period of one year or more.
- D. This Use Permit shall be restricted to three years from the date of occupancy, or four years from the date of Planning approval, whichever is less. To continue the use on the site, the applicant must then apply to the Planning Commission for another Use Permit which will include an analysis of impacts of the use on the existing and neighboring sites. The applicant is advised to apply for the new Use Permit at least 3 months prior to the expiration date of this Use Permit to allow for continuity of use.
- E. Construct new sidewalk, curb, and gutter along both street frontage of the project site (along Morse and Weddell). Sidewalk may have a meandering design to minimize impact on existing mature trees
- F. Limit regular on-site attendance of all persons to 500 at one time.
- G. Install a curb ramp at the corner of Morse and Weddell.
- H. Out-of-door loudspeakers are prohibited.
- I. Obtain a Business License (or submit a change of information for an existing license) prior to occupancy.
- J. The entire site shall be used for the proposed Southbay Christian Church as defined in the report. Portions of the site may not be leased for other uses.

- K. The seating in the Sanctuary shall be fixed such that the seats are not movable. The fixed seats shall assure use for a total of 500 people, including the seating needs of both the congregations as well as the officiates and staff supporting the worship activities in the Sanctuary.
- L. Phase I uses are limited to redevelopment activities only with no assembly uses. (Phase I ends when the site is operational.)
- M. Phase II hours of operation are limited to 8:00 a.m. to 10:00 p.m. Monday through Sunday with large assembly uses restricted to 5:00 p.m. to 10:00 p.m. Monday through Saturday and 8:00 a.m. to 10:00 p.m. on Sunday. (Phase II begins when site is operational.)
- N. During Phase II the allowable uses on the site will be coordinated and restricted with the uses on the 539 E. Weddell site, such that there is no proposed overlap between the uses on the two sites. There shall be at least a 30 minute buffer between the scheduled assembly uses on the 521 and 539 E. Weddell sites to minimize the impact of vehicles leaving or arriving at the sites.
- O. The activities, hours of operation, frequency, and maximum number of practitioners shall not exceed those listed in the following table:

| Day & Time | Rooms Used | Max. Total Adults | Max. Total People |
|--|--|----------------------------------|----------------------------------|
| Sunday 7:30 a.m. – 10:15 a.m. | Café, Classrooms (9:00-10:00) | 350 | 350 |
| Sunday 10:15 a.m. – 12:00 (noon) | Sanctuary, Kid's Church | 500 | 600 |
| Sunday 12:00 (noon) – 6:00 p.m. | Café, Fellowship Hall (12:00–2:00 p.m. once/mo.) | 500 | 600 |
| Monday–Friday 8:00 a.m. – 5:00 p.m. | Offices, Café (10:00– 4:00) | 250 | 250 |
| Wednesday 5:00 p.m. – 10:00 p.m. | Fellowship Hall, Classrooms (6:00– 10:00) | 500 | 600 |
| Saturday 8:00 a.m. – 10:45 a.m. | Fellowship Hall | 500 | 500 |

P. The major assembly halls (Sanctuary, Kid's Church, Fellowship Hall, Café, Classrooms), shall not be used concurrently, with the exception of the Sanctuary and Kid's Church.

Q. The Lobby area may not be used as a place of assembly, but only as transition space to move into one of the major assembly halls. Chairs shall not be placed in the lobby area.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

A. Meet all Building Code requirements and obtain all necessary Building Permits.

B. Obtain necessary Development Permit(s) from the Department of Public Works for all proposed and required off-site improvements, including for all improvement in the public right-of-way.

C. This project shall comply with all DPW/Engineering standard development requirements (available upon request).

D. Any existing deficient public improvements shall be upgraded to current City standards, such as driveway approaches and upgrade existing water meter to radio-read water meter.

3. PARKING

A. Prior to obtaining a Building Permit, submit a Transportation and Parking Management Plan (TPMP) to the Director of Community Development for approval. The TPMP shall provide additional parking for 42 spaces at 539 E. Weddell (2005-0803) or a nearby site (and potentially more spaces if needed due to site modifications for the solid waste enclosure). The TPMP shall be approved by the Director of Community Development.

B. The shared parking agreement shall be recorded with the deed for both the subject site and the shared parking site prior to occupancy.

4. DESIGN/EXTERIOR COLORS AND MATERIALS

A. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to issuance of a building permit.

5. LANDSCAPING

A. Allow for a meandering sidewalk (to be installed along the south and west boundaries of the site) to protect the existing trees.

- B. All existing landscaping and irrigation systems shall be maintained in a neat, clean, and healthful condition.
- C. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- D. Maintain trees along side and rear property lines.
- E. Do not remove any existing protected trees unless a tree removal permit is approved.
- F. **All replacement trees shall be large species native trees as appropriate for the site.**
- G. **Upgrade landscaping and irrigation system per proposed landscape plans.**

6. TREE PRESERVATION

- A. Prior to issuance of a Building Permit, obtain approval of a tree protection plan from the Director of Community Development. Two copies are required to be submitted for approval. Special measures may be required for installation of the sidewalk.
- B. The tree protection plan measures shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- C. The tree protection plan shall remain in place for the duration of construction.
- D. The tree protection plan shall include measures noted in Sunnyvale Municipal Code Section 19.94.120, and shall meet all of the proposed protection measures stated in the Arborist Report.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged.

7. LIGHTING

- A. Prior to issuance of a Building Permit submit an exterior lighting plan, including fixture and pole designs, for approval by the Director of Community Development, to ensure site has adequate light in the parking lot area. Parking area lights shall include the following:
 - 1. Sodium vapor (of illumination with equivalent energy savings).
 - 2. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards

shall not exceed 18 feet on the interior of the project and 8 feet in height on the periphery of the project near the potential Industrial to Residential site.

3. Provide photocells for on/off control of all security and area lights.
4. All exterior security lights shall be equipped with vandal resistant covers.
5. Wall packs shall not extend above the roof of the building.
6. Lights shall have shields to prevent glare onto adjacent residential properties.
7. Upgrade street light poles to Marbelite.

8. BICYCLE PARKING

- A. Provide 1 Class I (or allocate appropriate space) and Class II (for up to 23 bicycles) parking spaces (per VTA Bicycle Technical Guidelines) as approved by the Director of Community Development.

9. RECYCLING AND SOLID WASTE

- A. Submit a revised detailed recycling and solid waste disposal facility design to the Director of Community Development for approval prior to the issuance of Building Permits.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.

10. SIGNS

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code and require a separate permit.

11. UNDERGROUND UTILITIES

- A. Any existing utilities and service drops on the site or along the adjacent public right-of-way shall be undergrounded. (While none were noted by staff, if such utilities are identified during the development of this project, applicant shall meet all City requirements).

12. PUBLIC WORKS

- A. Upgrade existing fire hydrants to meet current city standards. Existing hydrants shall be salvaged and returned to Public Works Department.

- B. Existing utilities need to be upgraded to meet current city standards.
- C. Provide new driveway approaches on Morse Ave and Weddell Dr.
- D. All existing utility lines and /or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
- E. Install stop sign at driveway exits.

13. FIRE SAFETY

- A. As applicable, comply with the requirements contained in Sunnyvale Municipal Code Chapter 16.52, 16.53 and 16.54; California Fire Code, Title 19 California Code of Regulations, including:
 - 1. Provide approved fire extinguishers (minimum size of 2A10BC).
 - 2. Provide approved range hood protection system UL 300 (UFC 1006).
 - 3. Provide a K class fire extinguisher in the kitchen for deep fryers.
 - 4. Provide illuminated exit signs (CFC 1212.4).
 - 5. Provide emergency egress lighting (CFC 1212.1).
 - 6. If deemed necessary, a Knox Box system (key switch) shall be located in accordance with the Fire Prevention Bureau requirements.
 - 7. Install panic hardware on exit doors (CFC1207.4).
 - 8. Corridor protection requirements (2.3 Appendix 1-A UFC).
 - 9. Insure sprinkler protection systems & exiting requirements comply with Assembly occupancy.
- B. The water supply for fire protection and fire fighting shall be approved by the Department of Public Safety.
- C. Fire access lanes are required and shall be marked in accordance with MC 16.52.160, UFC 901.